

**LEGISLATIVE SERVICES AGENCY
OFFICE OF FISCAL AND MANAGEMENT ANALYSIS**

301 State House
(317) 232-9855

FISCAL IMPACT STATEMENT

LS 6689

BILL NUMBER: HB 1848

DATE PREPARED: Dec 18, 2000

BILL AMENDED:

SUBJECT: Moratorium on Death Penalty.

FISCAL ANALYST: Mark Goodpaster

PHONE NUMBER: 232-9852

**FUNDS AFFECTED: X GENERAL
DEDICATED
FEDERAL**

IMPACT: State & Local

Summary of Legislation: This bill has the following provisions:

(A) It places a moratorium upon executions for murder until April 1, 2003.

(B) It establishes an eight-member Murder Sentencing Study Committee to review and analyze all trials that involved murders committed in Indiana after July 1, 1976, and before July 1, 2001. It specifies that the review and analysis must examine: (1) the facts, including mitigating and aggravating circumstances; (2) the race, gender, religious preference, and economic status of the defendant and murder victim; (3) the result of the judicial proceeding; and (4) the sentence imposed on the defendant. It allows the Committee to make legislative recommendations based on the review and analysis, if appropriate. It requires the Committee to issue a final report to the Legislative Council before November 1, 2002.

Effective Date: Upon passage.

Explanation of State Expenditures: Provision A: The moratorium on executions would affect 43 offenders who are currently on death row in Indiana. Of these offenders, 23 inmates have appeals filed in federal courts. It is likely that several of these offenders could be executed before April, 2003. Consequently, this portion of the bill would potentially delay their execution date and extend their time of incarceration on death row. Since the offenders are housed in existing facilities, the average cost for medical care, food, and clothing is approximately \$1,825 annually, or \$5 daily, per prisoner.

Provision B: This bill also establishes a Murder Sentencing Study Committee. Members of the Committee are entitled to receive the same per diem, mileage, and travel allowances paid to members of the General Assembly serving on legislative study committees established by the Legislative Council. As of January 1, 2000, legislators receive \$112 per diem and are reimbursed for travel at a rate of \$0.28 per mile. Under current Legislative Council Resolution, interim study committees are allocated \$9,000 per interim. The

Legislative Services Agency will staff the Committee.

From 1977 through June 1, 2000, there have been 85 persons convicted of murder and sentenced to death in the State of Indiana.

Explanation of State Revenues:

Explanation of Local Expenditures: Trial courts in 18 different counties have issued a death penalty order to 43 offenders who are currently on death row. These courts would be required to set a date of execution that is after March 31, 2003.

Explanation of Local Revenues:

State Agencies Affected: Legislative Services Agency; Indiana Supreme Court; Department of Correction.

Local Agencies Affected: Trial courts.

Information Sources: Office of the Attorney General; <http://www.clarkprosecutor.org/html/death/rowold.htm>